



***COMMONWEALTH of VIRGINIA***  
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October 4, 2004

The Honorable Robert G. Burnley, Director  
Department of Environmental Quality  
Commonwealth of Virginia  
629 East Main Street  
Richmond, Virginia 23219

Re: Final Amendments to Regulations Concerning Minor New Source Review (9 VAC 5 Chapter 80, Rev. K04)

Dear Mr. Burnley:

I have reviewed the above-referenced final regulation amendments, as authorized on September 29, 2004, by the State Air Pollution Control Board, using the fast-track process established in Code § 2.2-4012.1, for adoption at the end of the public comment period, provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.

It is my view that the Board possesses statutory authority to promulgate the above-referenced final regulation amendments.

Sincerely,

Carl Josephson  
Assistant Attorney General